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UNITED STATES DISTRICT COURT **RECEIVED BY MAIL**  
DISTRICT OF MINNESOTA

JAN 16 2025

CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

DeMario Jives, Individually, and  
DeMaJio Media LLC

Defendant(s).

vs.

Case No. 23-cv-467 (NEB/DTS)

Bishop Wayne R. Fleton,  
Individually, and The Holy Christian  
Church International,

Plaintiff(s),

**Motion for Sanctions and Dismissal**

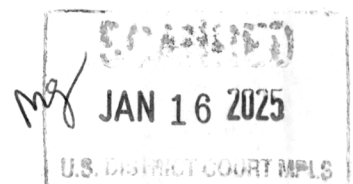
Attention: Judge and all concerned parties,

I respectfully submit this letter on behalf of myself, DeMario Jives, regarding the above-referenced case, to request sanctions against the plaintiff, Wayne R. Felton Sr., and dismissal of the case due to his repeated and willful violations of the court's orders, including the Confidential Settlement Agreement, Temporary Restraining Order (TRO), and subsequent court-mandated confidentiality terms.

**Evidence of Violations**

**1. Public Dissemination of Statements in Violation of the Confidential Settlement Agreement:**

The plaintiff released a public statement, dated December 17, 2024 and January 2, 2025, which violated the confidentiality terms explicitly outlined in the settlement agreement and reinforced by the TRO again issued on November 12, 2024. The judge, David Schultz expressed that we were not to talk about each other whether in post, email or bring each other up in any social media setting. I (DeMario Jives) did ask the judge when the opportunity was presented to me about what was ok to talk about. In the judges own words, The judge, David Schultz expressed that we were not to talk about each other whether in post, email or bring each other up in any



social media setting. “We are dead to each other and if that is violated, we will be right back in court”. These words are on the court records

In the statement, the plaintiff included detailed accounts of the settlement proceedings and allegations against Mr. Jives, which directly contravene the agreed-upon gag order.

## 2. Publication of Court Proceedings on sent out via email to a wide range of people:

Multiple videos and posts authored by or attributed to the plaintiff or his affiliates remain accessible online via a certain vlogger. These include, but are not limited to:

<https://www.youtube.com/live/EuW81VLdxZk?si=IcdBhgcTxiyAikG7>

This content contradicts the court’s explicit orders requiring immediate removal and prohibition of any discussion of this case.

## 3. Pattern of Continued Non-Compliance:

Despite warnings and motions filed by the defendant, the plaintiff has demonstrated a consistent pattern of ignoring the court's directives. Evidence of these violations has been detailed in correspondence between counsel, including the Demand Letter sent on September 25, 2024 (attached as Exhibit A).

## Legal Basis for Dismissal

Under Rule 41(b) of the Federal Rules of Civil Procedure, a plaintiff's willful non-compliance with court orders provides sufficient grounds for dismissal. The plaintiff's actions have not only undermined the integrity of this case but have also caused irreparable harm to the defendant, necessitating the immediate dismissal of the complaint with prejudice.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss a case if a plaintiff willfully fails to comply with court orders:

- ~Failure to prosecute: A court can dismiss a case if the plaintiff fails to prosecute.
- ~Failure to comply with court orders: A court can dismiss a case if the plaintiff fails to comply with federal rules or court orders.
- ~Sanction: A court can use Rule 41(b) as a sanction to address plaintiffs who abuse the judicial process.

## Rule 41 - Dismissal of Actions | 2024 Federal Rules of Civil ...

A court can also dismiss a case on its own initiative, or upon a defendant's motion. Rule 41(b) is a valuable tool for case management, allowing judges to dispose of cases that are not being diligently prosecuted.

## Requested Relief

1. Dismissal of the Case with Prejudice:

Given the plaintiff's deliberate violations, we respectfully request that the court dismiss the complaint with prejudice as a sanction for non-compliance.

2. Imposition of Additional Sanctions:

We further request that the court impose financial sanctions against the plaintiff to deter further violations and cover the legal costs incurred by the defendant due to these repeated breaches.

3. Immediate Enforcement Measures:

To prevent future violations, we ask the court to appoint a compliance officer or implement alternative measures ensuring that no further breaches occur.

Conclusion

In light of the plaintiff's repeated and egregious violations of this court's orders, it is evident that Archbishop Felton has disregarded his legal obligations under the settlement terms and the TRO. These actions have caused undue harm to the defendant and significantly impeded the judicial process. We therefore respectfully urge the court to dismiss this case with prejudice and impose appropriate sanctions to uphold the authority of this court.

Thank you for your attention to this matter. We look forward to your guidance and ruling.

Attachments:

1. Demand Letter dated September 25, 2024 (Exhibit A)
2. Public Statement by Archbishop Wayne R. Felton (Exhibit B)

Signed this 12 day of January, 2025.

Name of Defendant(s)

Signature of Defendant(s)

DeMando Dyer  
[Signature]